

Remarks

Claims 1-14 are present in this application and are under consideration.

There are no allowed claims.

Claims 1-9 and 11-13 are rejected under 35 USC 103(a) as being unpatentable over DE3903218 in view of Keller, et al., U.S. Pat. No. 5,574,082, JP62158737 and Fukui, et al., U.S. Pat. No. 5,100,930.

Claims 1-14 are rejected under 35 USC 103(a) as being unpatentable over DE '218 in view of Keller, JP '737 and Fukui and further in view of Tamura, et al., U.S. Pat. No. 6,096,814.

The further reference is cited as disclosing a masterbatch.

Applicants respectfully rebut these rejections.

Applicants take this opportunity to again discuss the previously submitted Rule 132 Declaration by Dr. Andreas Thürmer.

Samples 1 and 2 in the Declaration are comparison Examples which correspond to Examples 3 and 4 disclosed in DE '218. These Examples in this reference are considered to be the closest prior art in respect to the instant invention.

To compare these two state of the art Examples, Applicants suggest to consider two important aspects.

Firstly, the total amount of stabilizers has to be identical (1000 ppm; not including calcium stearate).

Secondly, the amount of the sterically hindered phenol is identical is (500 ppm; IRGANOX 1010).

Considering the fact that claim 1 of the instant application states that "wherein the weight ratio of component (a) to component (c) is from 2 : 1 to 10 : 1", **at least** 50 ppm of component (c) (ATP; α -tocopherol) has to be used in the present Example. A lower amount than 50 ppm of component (c) when using 500 ppm component (a) is **not** claimed in the instant application. The remaining amount of stabilizer up to 1000 ppm has therefore to be component (b) (in present Sample 3 it is 450 ppm SANDOSTAB P-EPQ which is **identical** to 4,4'PQ or tetrakis(2,4-di-tert-butylphenyl)-4,4'-diphenylene-diphosphonite or 4,4'PQ).

At the end of page 2 of the Declaration it is stated that "In the comparative samples 1 and 2 the mixture of 4,4'PQ, MPQ and P68 corresponds to the product SANDOSTAB P-EPQ (see page 12 of the instant application).

Applicants submit therefore that sample 3 according to the instant application in the Declaration is the **perfect** sample which has to be chosen for a comparison with the state of the art Examples 3 and 4 disclosed in DE '218.

The stabilizing compositions disclosed in Examples 3 and 4 of DE '218 contain, compared to the instant composition, **additional** compounds like TNPP (tris(nonylphenyl)-phosphite) or DTP (di-tridecyl-3,3'-thiodipropionate). Surprisingly, the instant stabilizing composition with **less** compounds has a better effect in the stabilization of polyethylene. The additional compounds TNPP and DTP are not necessary, nevertheless the melt stability and the extent of yellowing is better than in the Examples of DE '218. This result is a clear technical advantage and could not be expected from the cited prior art.

In general, the addition of a further stabilizer to a **three**-component stabilizer mixture thus forming a **four**-component stabilizer mixture must show a better stabilizing effect than just the three-component stabilizer mixture. If this would not be the case then a skilled person in the art would **not** use a four-component stabilizer mixture. The fact that the instant three-component stabilizer mixture is more potent than the state of the art four-component stabilizer mixture is therefore surprising and could not be expected.

Applicants submit that in light of this discussion and the results of the Thürmer Declaration, that the present 35 USC 103(a) rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



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